

**MINUTES**  
Committee Meeting  
December 12, 2005

Meeting convened: 1:05 p.m.

Discussion	Assignee	Due
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## I. Chair's Report

To accommodate schedules, the agenda order will be as follows: 1. CCO 24 2. Hinge Pipe Beam 3. Definition of Public Enemy At 1:55 p.m., Will Kempton had to leave for another meeting and Diane Eidam acted as Chairperson for the remainder of the meeting.		
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## II. Consent Calendar

<ul style="list-style-type: none"> <li>The November 23 Minutes should be corrected to show that the E2/T1 CCO was approved for \$81M.</li> <li>The correction to the November 23 Minutes was made by hand.</li> <li>All of the Minutes were approved as corrected and signed.</li> </ul>		
<i>A. September 22, 2005 Minutes*</i>		
<i>B. October 31, 2005 Conf. Call Minutes**</i>		
<i>C. November 8, 2005 Conf. Call Minutes**</i>		
<i>D. November 21, 2005 Meeting Minutes*</i>		
<i>E. November 23, 2005 Conf. Call Minutes*</i>		

## III. Monthly Progress Report

### *A. Draft December 2005 Progress Report*

The Draft Monthly Report is provided for comment and its approval will require a conference call.	Andy Premier	12/31/05
The 3 <sup>rd</sup> Qtr Report was well received by the Legislature and Secretary McPeak requests that future quarterly reports remain in the same format for ease of use.		

## IV. Timing of Toll Accounting Staff Transfer

<ul style="list-style-type: none"> <li>With the transfer of toll fund management to the Bay Area Toll Authority, the responsibility for Toll Accounting is also moving from the Department to BATA. This shift affects the employment of the current Department Toll Accounting Staff and is being addressed successfully by allowing Department staff to transfer to BATA. Any employee that opts out of the transfer will be retained by the Department.</li> <li>The plan has been to affect the change in status with the</li> </ul>	Andy Premier	1/1/06
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defeasance of bonds scheduled in February, but the office space will be available in January. The Department supports an earlier transfer, but wants to make sure the Union agrees.		
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## V. SFOBB East Span Project

### A. Letter to Congressmembers Honda and Tauscher\*

When the letter is finalized by BATA cc will be transmitted to TBPOC members.		
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### B. TY Lin/Moffatt & Nichol Settlement\*

Responses to previous TBPOC comments have been incorporated, addressing legal and audit questions. It is being routed within the Department for signature. The Joint Venture will be available for support during the construction on an on-call basis.		
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### C. Definition of Public Enemy\*

<ul style="list-style-type: none"> <li>At the previous TBPOC Meeting, the staff briefed the members about a Bidders Inquiry about responsibility for terrorist acts and how the definition of Public Enemy in the Standard Specification applies. At the present time, terrorist acts are not considered acts of the Public Enemy and are therefore the responsibility of the contractor.</li> <li>Insurance industry research since that first discussion has determined that the cost to a contractor for insurance is from \$0.5M to \$1.5M.</li> <li>Based upon the low cost of the insurance, the current specification could remain as written and in the response to the Bidders Inquiry, a statement issued indicating that acts of terror are not considered Acts of the Public Enemy.</li> <li>The risk of such an event is low, so the Department could accept it, considering itself self-insured. This would require and addendum to the contract.</li> <li>Input from Will Kempton is needed if an addendum is the option.</li> <li>Schedule for TBPOC action at upcoming conference call meeting.</li> </ul>	J. Tapping	12/15/06
Can Addendum No. 6 be issued by December 31?	J. Tapping	12/15/06
A PMT teleconference will be conducted prior to the TBPOC meeting to clarify the options and actions.	J. Santos	12/14/06

## VI. SFOBB East Span SAS Contract

### A. Letter to Bidders GOAR update\*

It is not possible to get a signature from the Governor by the December 16 <sup>th</sup> , so the GOAR will be changed to a CIR to secure the Secretary's signature.	J. Tapping	12/19/06
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### B. Addendum #5 Approval\*\*

Contractor Outreach on Nov. 30 focused on schedule and cash flow concerns raised through questions and comments from the potential		
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<p>bidders. Based upon that Outreach, Addendum #5 includes theses major changes:</p> <ul style="list-style-type: none"> <li>• Payment for fabricated material – unclear spec cleaned up</li> <li>• Shop Drawing submittal and review – improvements made to the specification to reduce time impacts to the contract schedule</li> <li>• Wood mock-ups could delay the project – the requirement was removed</li> <li>• Contract conflict with the YBI structures – removed the Hinge K intermediate milestone by shifting the point of interface</li> <li>• Insufficient contract duration time - increased the number of contract working days by 6 months, not 1 year as requested, and in so doing continue to encourage multiple bids</li> </ul> <p>Ductility of Temporary Tower was debated at the Outreach, but the opportunity for benefit is minimal and no change was made.</p>		
Look at “parking and boat access” description to allow for flexibility for contractor.	J. Tapping	12/22/05
Addendum #5 Approved with the plan to work with the successful contractor through the CRIP process to achieve “Open to Traffic” in 2012 and to keep the costs down.		

**C. Addendum #6 Update\***

<ul style="list-style-type: none"> <li>• Staff plans to post this Addendum the first week of January. There will need to be a teleconference to secure approval.</li> <li>• The TBPOC members would like to post it by December 31.</li> </ul>		
A teleconference on Addendum #6, including Monthly Report approval, will be arranged to make a December 31 or earlier posting possible.	J. Tapping	12/22/05

**VII. SFOBB East Span Skyway Contract**

**A. Hinge Pipe Beam DRB Update\***

The DRB hearing process has been completed. The DRB is now deliberating on the decision. They are supposed to conclude their deliberations within 30 days, although they have indicated they may need more time. Such an extension would release the finding by the middle of January 2006.		
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**VIII. SFOBB East Span South/South Detour Contract**

**A. CCO 24 – Time Extension\***

<ul style="list-style-type: none"> <li>• Diane Eidam recused herself on this item and requested that Stephen Maller act in her place.</li> <li>• The tie-in to the existing structure was suspended due to a desire to minimize the amount of time that traffic would be on the detour. The rest of the work is continuing. There are options to</li> </ul>		
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complete the tie-ins, which will be evaluated by the PMT.		
<ul style="list-style-type: none"> <li>This Supplemental CCO adds 381 days and \$4.8M to cover added time-related overhead. Increases in the direct costs of the work are not included, but will likely be a couple million dollars.</li> <li>There is a companion funds request being processed within the Department.</li> </ul>		
There is a discrepancy between the forecast in the Monthly Report pg. 16 and the approved budget. The Estimate at Completion shows a greater funding need than the CCO funding chart. The method to determine the Forecast must be explained.	Jon Tapping	12/19/05
Modify the Monthly Report forecasts to reflect the budget until a consistent forecast method is run through for each contract.	Andy Premier	12/19/05
CCO #24 approved at \$4.8 million.		

### IX. Review of BATA Organization

Show the TBPOC on the charts to reflect that the TBPOC is overseeing the organization through a reporting relationship. This will better reflect the team effort.	PMT	1/19/06
Produce a multi-agency organization chart.	PMT	1/19/06

### X. Status of Caltrans Toll Program Manager and East Span Project Manager hiring

In the final stages of the process and the committee will be consulted before finalizing the decision.		
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### XI. PMT Workshop plan

The goal is to get the team working efficiently and effectively.		
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### XII. Other Business

Dumbarton and Antioch were mentioned in the 3 <sup>rd</sup> Quarter Report, so we should give the Legislature the plan of action in the 4 <sup>th</sup> Quarter Report.	Mo Pazooki & Rick Land	1/19/06
Thank you gift provided to Diane from MTC. She thanked the attendees on being a great team on great projects.		

### XIII. Next Meeting: January 19, 2006, 1:00 p.m., Bay Area

Adjourned: 2:25 p.m.



Toll Bridge Program Oversight Committee

**MINUTES**

Committee Meeting

December 12, 2005

APPROVED BY:

WILL KEMPTON, Director  
California Department of Transportation

3-9-06

Date

DIANE C. EIDAM, Executive Director  
California Transportation Commission

3/15/06

Date

STEVE HEMINGER, Executive Director  
Bay Area Toll Authority

3/23/06

Date